

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

MOSDOS CHOFETZ CHAIM INC.,

Debtor.

Chapter 11 – Post Confirmation

Case No. 12-23616 (RDD)

CONGREGANTS OF MOSDOS CHOFETZ CHAIM  
INC. A/K/A KIRYAS RADIN,

Plaintiffs,

- against -

Adv. Proc. No. 21-7023 (RDD)

MOSDOS CHOFETZ CHAIM INC., CHOFETZ  
CHAIM INC., TBG RADIN LLC, SHEM OLAM,  
LLC, CONGREGATION RADIN DEVELOPMENT  
INC., ARYEH ZAKS, BEATRICE WALDMAN  
ZAKS, MENDEL ZAKS, GITTEL ZAKS LAYOSH,  
ELIYAHU LAYOSH, SAMUEL MARKOWITZ,  
DEBORAH ZAKS HILLMAN, YOM T. HENIG,  
STEVEN GREEN, DANIEL GREEN, ABRAHAM  
ZAKS and STERLING NATIONAL BANK,

Defendants.

**DECLARATION OF  
DANIEL S. ALTER IN  
SUPPORT OF ORDER TO  
SHOW CAUSE SEEKING  
EMERGENCY STAY**

Pursuant to 28 U.S.C. § 1746, and under the penalty of perjury, Daniel S. Alter declares as follows:

1. I am a partner in the law firm Abrams, Fensterman, LLP, the attorneys for of Rabbi Mayer Zaks, Sima Zaks Weintraub, Aron Zaks, Henoch Zaks, Yosef Tzvi Zaks, Nochum Brody and Leah Brody (on behalf of themselves and their minor children, Chaya Bracha Brody, Ester Malka Brody, Moshe Aron Brody, Miriam Freda Brody, Batsheva Rivka Brody, Gershon Brody, Sara Devorah Brody, Chana Eitel Brody, Fayge Temams Brody, Shmuel Brody), Yisroel Hochman, Faigy Hochman (on behalf of themselves and their minor children, Avrohom Gershon Hochman, Yaakov Tzvi Hochman, Menachem Mendel Yosef Hochman, Aron Yehuda Hochman), Shimon Zaks and

Leah Zaks (on behalf of themselves and their minor child, Yehoshua Zaks) (collectively, the “Movants” or the “Families”).

2. I submit this declaration, pursuant to Local Rule 9077-1(a) in support of the Movants’ emergency application, made by order to show cause, for an immediate stay of this Court’s order and judgment dated April 14, 2022 (the “Eviction Order”) and this Court’s judgments against Shimon Zaks, Nocham Z. Brody, Yisroel Hochman and Faige Hochmen, and Rabbi Mayer Zaks, Sima Zaks and Shimon Zaks, all dated April 14, 2022 (collectively, the “Monetary Judgments”).

3. Emergency relief is necessary. If the Eviction Order is not immediately stayed, in less than three weeks the U.S. Marshal’s will be directed to eject 27 men, pregnant women and children – including 9 infants and small children under the age of 6, and 6 children between the ages of 6 and 11 – from the homes in which they have lived and observed their faith for many years.

4. No previous application for the requested relief has been made either before this or any other court.

5. A true and correct copy of the Eviction Order is attached hereto as Exhibit A.

6. A true and correct copy of relevant excerpts from the transcript of the hearing held in this matter on June 11, 2021, is attached hereto as Exhibit B.

7. A true and correct copy of relevant excerpts from the transcript of the hearing held in this matter on July 26, 2021, is attached hereto as Exhibit C.

8. A true and correct copy of relevant excerpts from the transcript of the hearing held in this matter on August 2, 2021, is attached hereto as Exhibit D.

9. A true and correct copy of relevant excerpts from the transcript of the hearing held in this matter on August 30, 2021, is attached hereto as Exhibit E.

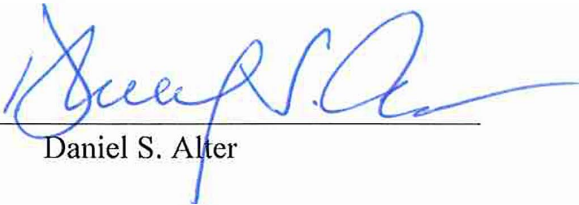
10. A true and correct copy of relevant excerpts from the transcript of the hearing held in this

matter on April 5, 2022, is attached hereto as Exhibit F.

11. A true and correct copy of relevant excerpts from the transcript of the hearing held in this matter on April 4, 2022, is attached hereto as Exhibit G.

12. A true and correct copy of a letter to the Court from Michael Levine, Esq., dated April 13, 2022, is attached hereto as Exhibit H.

Dated: White Plains, New York  
May 13, 2022

  
\_\_\_\_\_  
Daniel S. Alter